

PROB 12  
(Rev. 3/88)

UNITED STATES DISTRICT COURT  
for  
MIDDLE DISTRICT OF PENNSYLVANIA

U.S.A. vs. Patrick Cuthbertson

Docket No. 1:CR-01-062-01

**Petition on Probation and Supervised Release**

COMES NOW Fonda L. Steele PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Patrick Cuthbertson who was placed on supervision by the Honorable Sylvia H. Rambo sitting in the court at Harrisburg, PA, on the 24<sup>th</sup> day of October 2001 who fixed the period of supervision at 2 years\* and imposed the general terms and conditions theretofore adopted by the court and also imposed special conditions and terms as follows:

\*Supervision commenced on November 15, 2002

1. The defendant shall pay any balance of the restitution imposed by this judgment which remains unpaid at the commencement of the term of supervised release in minimum monthly installments of no less than \$25 .

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** Mr. Cuthbertson was ordered to pay restitution of \$72,000. The defendant appears to have made restitution payments to the best of his ability and in accordance with the special condition of his supervised release; however, a restitution balance of \$70,888.88 remains. Mr. Cuthbertson acknowledges his restitution obligation and has expressed a willingness to continue payments. To this end, he has executed an Agreement (copy attached) to continue paying restitution after his expiration date. Mr. Cuthbertson has complied with the conditions of supervised release and there does not appear to be any basis for violation action.

Assistant U.S. Attorney Dennis Pfannenschmidt was advised of the foregoing and has no objection to the proposed expiration.

**PRAYING THAT THE COURT WILL ORDER that the defendant's term of supervised release be permitted to expire on November 14, 2004, without further action of the Court.**

ORDER OF COURT

Considered and ordered this 9<sup>th</sup>  
day of November, 2004,  
and ordered filed and made part of the records  
in the above case.

[Signature]  
U.S. District Judge

Respectfully,

Fonda L. Steele  
Fonda L. Steele  
U.S. Probation Officer

Place Harrisburg, PA  
Date November 4, 2004

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :  
 :  
 v. : CRIMINAL NO. 1:01-CR-062-01  
 :  
 PATRICK CUTHBERTSON :

AGREEMENT REGARDING UNPAID RESTITUTION

The following agreement is entered into by **Patrick Cuthbertson**, defendant in the above-captioned case, in recognition of his obligation to the victim to whom restitution is owed based upon the offense charged at the above-captioned number and the judgment and commitment entered by the District Court in the above-captioned case. In recognition of these obligations, and fully intending to be legally bound, the defendant acknowledges and agrees as follows:

1. On October 24, 2001, the defendant was sentenced based on his conviction at the above-captioned criminal number and directed by United States District Judge Sylvia H. Rambo, as a condition of supervised release, to make restitution in the amount of \$72,000 during a period of supervised release of two years which began on November 15, 2002.

2. The defendant acknowledges that he has failed to comply with the restitutionary portion of the Court's sentence and that he presently owes the victim \$70,888.88.

3. The United States Probation Office has determined that in consideration of the defendant agreeing to fulfill his restitutionary obligation under the above-described sentence, consideration will be given to allowing the defendant's period of

defendant realizes that his failure to pay the above restitution obligation could form a basis for the revocation of supervised release and re-sentencing by the District Court.

4. Based on the above, and in consideration of forbearance on immediate execution upon assets owned by the defendant, the defendant hereby agrees to make restitution payments of \$25 to be disbursed to Ingram Micro, Inc., Santa Ana, CA, in the total amount of \$70,888.88, said payments to be made on a monthly basis between the first and fifteenth day of each month. Payments are to be made through the Clerk, U.S. District Court, P.O. Box 983, Harrisburg, PA 17108. Additionally, the defendant agrees, should his personal finances improve, to increase the monthly payments accordingly. Further, the defendant agrees that if he moves from his residence, he will notify the Clerk, U.S. District Court.

5. The defendant further agrees and confesses judgment for the total unpaid restitution in the amount of \$70,888.88 to Ingram Micro, Inc., and authorizes the named victim and its attorney to enter judgment against him for said amount in any appropriate court for the full amount. It is the defendant's intention that he be bound by this confession of judgment and that judgment be entered pursuant to Rule 2951(a) of the PA Rules of Civil Procedure.

Patrick [Signature]  
Defendant  
Paul H. [Signature]  
Witness

Sworn to and subscribed before  
me this 18<sup>th</sup> day of

November 2004.  
Thomas [Signature]  
Deputy Clerk